In the High Court of Punjab and Haryana at Chandigarh,

C.W.P.No.13915 of 2006
Decided on Sept 01,2006.

Ranbir and another --petitioner

vs.

Director Consolidation Haryana and others --respondents.

Coram: Hon'ble Mr.Justice Jasbir Singh
Hon'be Mr.Justice Pritam Pal.

Present: Mr. R.K.Dahiya,Advocate, for the petitioners.

Jasbir Singh,J:(Oral)

Dispute between the parties is with regard to a small piece of land which the petitioner says is a part of plot No 199/24,whereas the respondents contend contrary to it. On second remand by Director Consolidation of Holdings, Haryana, matter was taken up by Assistant Director, Consolidation of Holdings. He got the demarcation done, at the spot, of khasra Nos. 199/24 and also adjoining plots bearing Nos. 199/30/1, 30/2, 30/3. After effecting measurement and hearing the parties, the officer observed thus:-

"Today, this case is taken up for decision. In this case on 23/12/04 the orders were received after hearing both the parties for perusal of record and report of spot inspection on 22/12/04. On the perusal of the records, I find that plot No. 199/30/1, 30/2, 30/3 are not squares in shape but are quadrilateral in shape. In this situation, area cannot be calculated in the manner length x breadh. In the field book their area is cauculated by the formula of calculating area of

quadrilaterals. Therefore, in view of this, no force remains in the arguments of the ld. Counsel for the appellants that the left out portion is part of plot No. 199/24. This portion is part of plot No. 199/30/1. In the field book, there is cutting in the plot No. 199/24. In the record also, although plot No. 99/24/1 and 199/24/2 are recorded but their field book is not prepared and neither they matches with the old field book. Asstt. Consolidation officer Sh. Raj Kumar has told that the Northern side of plot No.199/24 runs towards the north from West to East and Southern side of plot No. 199/30/1 runs towards South from West to East and the Western and Eastern sides of plots 199/30/1-2-3 are equal. In this situation, the breadh of the plot No. 199/24 is bound to more in the middle towards the east than on the West has prepared of the pot which is on the file. This fact is also verified by the two other measurement reports produced by the respondents.

As per the abovesaid situation it is clear that the area of the plots of the respondents is correct and it cannot be 12,12, 13 marlas respectively. The portion of plot No. 199/24 is not situated on the back side towards East as 14-x- 24-35. Orders of C.O. Rohtak and S.O. Consolidation Rohtak re correct but they have not clarified in their orders that where and now the portion is left. Therefore, I order that the position 14-x-24-35=35 x 5/2=10 marla be added to plot No.199/24 instead of 6-6-10-0 and accept this case. Records may be corrected accordingly. Area of both the parties is complete".

Against the order dated January 03,2005, referred to above, petitioners filed a revision petition under Section 42 of the

East Punjab Holdings (Consolidation and Prevention of Fregmentation) Act, 1948, which was dismissed, vide order dated June 30,2006. This Court feels that the orders passed by the authorities are perfectly justified. Findings referred to above, have been giving after getting demarcation done at the spot . Order passed by Assistant Director of Consolidation (Annexure P-4) is a speaking one. No case for interference is made out by this Court.

Writ petition stands dismissed.

(Jasbir Singh)
Judge

Sept 01,2006
RR

(Pritam Pal)
Judge